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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,001

05/22/2006

Tomoyuki Asano

09792909-6374

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7590

01/28/2008

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

01/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,001

Applicant(s)

ASANO, TOMOYUKI

Examiner

Christian La Forgia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 16 November 2007 has been noted and made of record.
2. Claims 1, 3-5, 7, 8, 10, 11, and 13-15 have been presented for examination.
3. Claims 2, 6, 9, and 12 have been cancelled as per Applicant's request.

Response to Arguments

4. Applicant's amendment, filed 16 November 2007, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.
5. Applicant's arguments with respect to the 35 U.S.C. 101 rejection of claim 15 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments with respect to the prior art rejections of claims 1, 3-5, 7, 8, 10, 11, and 13-15 have been considered but are moot in view of the new ground(s) of rejection.
7. See further rejections set forth below.

Specification

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter for the subject matter of claim 15. The specification fails to defined "computer readable medium," and instead defines a "storage medium." Since the Applicant also discusses transmission media on page 56 (lines 1-18), one of ordinary skill could construe computer readable medium to include both storage media and transmission media. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required, and the Examiner suggests amending from "computer readable medium" to "computer storage medium."

Claim Rejections - 35 USC § 101

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 is directed to “computer readable medium.” One of ordinary skill in the art could reasonably construe that the claimed computer readable medium included both storage media and transmission media such as the Internet, especially with the ambiguity of the Applicant’s definition on page 56, lines 1-18. The Office's current position is that claims involving transmission media, such as signals encoded with functional descriptive material, do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are therefore ineligible for patent protection. *See* 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)).

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 3, 5, 8, 10, 11, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0035492 A1 to Nonaka, hereinafter Nonaka.

13. As per claim 1, Nonaka teaches an information storage medium (ISM) (Figures 8 [element 710], 9 [element 720]) comprising means storing:

an encrypted content (paragraph 0170, i.e. encrypted content);

encryption key information needed in a process of decoding the encrypted content (paragraphs 0137, 0144, i.e. key);

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to the ISM (paragraphs 0137, 0144, i.e. unique ID); and

a first list identifying revoked ISM ID's, said first list having an associated first version date and an associated tampering check value for checking whether said first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138),

wherein the ISM is adapted for operation with an information processing apparatus (paragraph 0133), said apparatus having

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing said second list with the first list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only operate when the first list is untampered (Figure 20 [step S56], paragraph 0227) and the associated first version date is later than said associated second version date (Figure 20 [step S58], paragraph 0228).

14. Regarding claims 3 and 10, Nonaka teaches wherein the encryption key information includes an enabling key block (EKB) as encryption key data from which a key used to decrypt the encrypted content is extractable (Figures 26 [element 610], 31 and 32 [File system of Key file], paragraphs 0236, 0242).

15. As per claim 5, Nonaka teaches an information processing apparatus comprising:

means for executing a process for playing back content stored on an information storage medium (ISM) (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content), wherein both an associated ISM ID (paragraphs 0137, 0144, i.e. unique ID) and a first list identifying revoked ISM ID's are stored on said ISM, said first list having an associated first version date (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138);

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in the second list (Figure 21 [step S81], paragraphs 0231, 0233);

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass);

means for performing a tampering check process to check whether the first list identifying revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227); and

means for updating the memory, by replacing the second list with the first list (Figure 20 [steps S59, S60], paragraph 0228), said means enabled to only operate when both:

the tampering check process determines that the first list is untampered (Figure 20 [step S56], paragraph 0227); and

the associated first version date is later than the associated second version date (Figure 20 [step S58], paragraph 0228).

16. As per claim 8, Nonaka teaches an information storage medium production (ISM) system comprising:

means for producing a plurality of ISM's (Figure 37, paragraphs 0012, 0198, 0306-0309, i.e. reproducing content data) and storing information on at least one ISM (paragraphs 0137, 0144) said information comprising,

an encrypted content (paragraph 0170, i.e. encrypted content),
encryption key information needed in a process of decoding the encrypted content
(Figures 31 and 32 [File system of Key file], paragraphs 0137, 0144, 0236, 0242);

a first list identifying revoked ISM ID's, said first list having an associated first version date and an associated tampering check value for checking whether the first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), and

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to each ISM (paragraphs 0137, 0144, i.e. unique ID);

wherein, the at least one ISM is adapted for operation with an information processing apparatus, said apparatus having:

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing said second list with the first list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only operate when the first list is untampered (Figure 20 [step S56], paragraph 0227) and the associated first version date is later than said associated second version date (Figure 20 [step S58], paragraph 0228).

17. As per claims 11 and 15, Nonaka teaches an information processing method and computer readable medium containing a program comprising the steps of:

executing, with an information processing apparatus, a process for playing back content stored on an information storage medium (ISM)) (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content), wherein both an associated ISM ID (paragraphs 0137, 0144, i.e. unique ID) and a first list identifying revoked ISM ID's are stored on said ISM, said first list having an associated first version date (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), said executing step further comprises:

reading the associated ISM ID (Figure 21 [step S80], paragraph 0232);

checking whether the associated ISM ID is identical to a revoked ISM ID identified in a second list identifying revoked ISM ID's (Figure 21 [step S81], paragraphs 0231, 0233), said second list having an associated second version date, and said second list being stored in a

memory of the information processing apparatus (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600);

disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass);

performing a tampering check process to check whether the first list identifying revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227);

updating the memory of the information processing apparatus, by replacing the second list with the first list (Figure 20 [steps S59, S60], paragraph 0228) only when both:

the tampering check process determines that the first list is untampered (Figure 20 [step S56], paragraph 0227); and

the associated first version date is later than the associated second version date (Figure 20 [step S58], paragraph 0228).

18. As per claim 14, Nonaka teaches an information storage medium (ISM) production method, comprising the step of:

producing a plurality of ISM's (Figure 37, paragraphs 0012, 0198, 0306-0309, i.e. reproducing content data) and storing information on at least one ISM (paragraphs 0137, 0144), said information comprising:

an encrypted content (paragraph 0170, i.e. encrypted content), encryption key information needed in a process of decoding the encrypted content (Figures 31 and 32 [File system of Key file], paragraphs 0137, 0144, 0236, 0242);

a first list identifying revoked ISM ID's said first list having an associated first version date and an associated tampering check value for checking whether the first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), and

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to each ISM (paragraphs 0137, 0144, i.e. unique ID);

wherein, the at least one ISM is adapted for operation with an information processing apparatus, said apparatus having:

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing said second list with the first list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only

operate when the first list is untampered (Figure 20 [step S56], paragraph 0227) and the associated first version date is later than said associated second version date (Figure 20 [step S58], paragraph 0228).

Claim Rejections - 35 USC § 103

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

20. Claims 4, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of U.S. Patent Application Publication No. 2002/0150250 A1 to Kitaya et al., hereinafter Kitaya.

21. With regards to claims 4, 7, and 13, Nonaka does not teach wherein the enabling key block (EKB) is encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium.

22. Kitaya teaches wherein the enabling key block (EKB) is encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium (paragraphs 0130, 0147).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the enabling key block (EKB) to be encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the

information storage medium, since Kitaya states paragraph 0147 that it limits the user devices that the content can receive the distributed content.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia
Patent Examiner
Art Unit 2131

A handwritten signature in black ink, appearing to read 'C. LaForgia', with a large, stylized flourish at the end.

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